

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

JAMES F. LYNCH

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CRIMINAL NO. 07-431-01

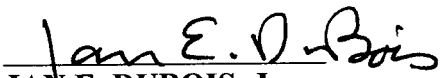
ORDER

AND NOW, this 31st day of August 2011, upon consideration of defendant James F. Lynch's pro se Motion to Vacate Judgment under 28 U.S.C. § 2255, And In The Alternative For A Writ of Coram Nobis under 28 U.S.C. § 1651(a) (Document No. 47, filed December 20, 2010); defendant's Supplemental Submission in Support of Motion to Vacate (Document No. 55, filed January 31, 2011); the Government's Response to Defendant's Motion for Writ of Error Coram Nobis (Document No. 56, filed February 3, 2011); Defendant James Lynch's Reply in Support of Motion to Vacate (Document No. 61, filed April 14, 2011); Defendant James Lynch's Supplemental Submission Regarding United States v. Panarella (Document No. 70, filed August 10, 2011); the Government's Response to Defendant James Lynch's Supplemental Submission Regarding United States v. Panarella (Document No. 71, filed August 16, 2011); for the reasons set forth in the Memorandum dated August 31, 2011, **IT IS ORDERED** as follows:

1. Defendant James Lynch's Alternative Motion for a Writ of Error Coram Nobis is **GRANTED**;
2. Defendant James Lynch's Motion to Vacate Judgment under 28 U.S.C. § 2255 is **DISMISSED WITHOUT PREJUDICE**;

3. Defendant James Lynch's conviction and sentence are **VACATED** and **SET ASIDE**;
and
4. The Government shall **REPAY** to Defendant James Lynch all sums paid by the said defendant on account of his fine and special assessment within 90 days of the date of this Order.

BY THE COURT:


JAN E. DUBOIS, J.